## MINUTES OF THE COURT OF APPEAL STATE OF CALIFORNIA SECOND APPELLATE DISTRICT

## February 27, 1998

#### **DIVISION ONE**

B107765 Provan (Not for Publication)

v.

Zalamea

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.

Ortega, J.

B107022 People (Not for Publication)

v.

Bayardo

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.

Dunn, J. (Assigned)

B116680 Trancas Property Owners Assoc. (Certified for Publication)

v.

City of Malibu et al.

The order is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.

Ortega, J.

## **DIVISION ONE (Continued)**

B110388 People (Not for Publication)

v. Cole

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J. Ortega, J.

Ortega, J.

B113380 People (Not for Publication)

v.

Carter et al.

The judgments are affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.

Dunn, J. (Assigned)

B110100 People (Not for Publication)

v.

Hunter

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.

## **DIVISION ONE (Continued)**

B110797 Chandler (Not for Publication)

V.

California State University Northridge et al.

The order of dismissal is affirmed. The University is awarded its costs of

appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.

Ortega, J.

B100132 Hurst et al. (Not for Publication)

v.

Kriegler-Buhl

The judgment is affirmed. The conservators are awarded their costs of

appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.

Ortega, J.

B113856 Los Angeles County, D.C.S. (Not for Publication)

v.

Carmela N. et al.

The order is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.

#### DIVISION ONE (Continued)

B109921 Lindmark (Not for Publication)

V.

Papell et al.

The judgment is affirmed. Roger M. Lindmark is ordered to pay sanctions of \$15,000 forthwith, by a cashier's check payable jointly to Ronald M. Papell, a Professional Corporation, and Ronald M. Papell. Papell is awarded his costs of appeal. The clerk of this court is directed to send a copy of this opinion to the Los Angeles office of the State Bar of California, to the attention of the Chief Trial Counsel. (Bus. & Prof. Code, § 6086.7.)

Vogel (Miriam A.), J.

We concur: Spencer, P.J. Ortega, J.

B110353 Chaplan (Not for Publication)

V.

Creative Scientific Technology et al.

The orders are affirmed. Plaintiff is awarded his costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J. Dunn, J. (Assigned)

B102831 Lo et al. (Not for Publication)

v.

Sabiers

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.

## **DIVISION ONE (Continued)**

B111155 People (Not for Publication)

v.

Netherly

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.

Dunn, J. (Assigned)

B110383 Raly (Not for Publication)

v.

Co. of Los Angeles et al.

The order is affirmed.

Spencer, P.J.

We concur: Ortega, J.

Vogel (Miriam A.), J.

B102984 Poorsalimi (Not for Publication)

v.

Those Underwriters at Lloyd's of London, etc.

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.

#### **DIVISION ONE (Continued)**

B114795 Los Angeles County, D.C.S. (Not for Publication)

V.

Lillian P.

The order is affirmed.

Spencer, P.J.

We concur: Ortega, J.

Vogel (Miriam A.), J.

B107707 People (Not for Publication)

v. Baez

The judgment is modified to reflect a term of 26 years to life imprisonment. The clerk of the court is directed to prepare a modified abstract of judgment and forward it to the Department of Corrections. As modified, the judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.

Dunn, J. (Assigned)

B109918 People (Not for Publication)

v.

Murillo

The judgment of conviction is affirmed. The abstract of judgment is modified to provide 161 days of local conduct credits. The clerk of the court is directed to prepare a modified abstract of judgment and forward a copy to the Department of Corrections.

Spencer, P.J.

We concur: Ortega, J.

#### **DIVISION THREE**

B108528 People (Not for Publication)

v. Smith

The judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.

Aldrich, J.

B101980 Bernard Paul Wiesen, et al. (Not for Publication)

v.

Bruin Insurance Services, Inc. et al.

Geneva Assurance Syndicate & Geneva Underwriters Syndicate

The trial court's denial of Bruin and Singer's motion for nonsuit as to plaintiffs' negligence cause of action is affirmed. The trial court's ruling that plaintiffs timely accepted Bruin and Singer's Code of Civil Procedure section 998 settlement offer is reversed. The judgment in favor of plaintiffs and against defendants in the sum of \$60,000 on plaintiffs' second amended complaint is reversed, and the matter is remanded for further proceedings on plaintiffs' second amended complaint. The trial court's grant of Geneva's motion for nonsuit on the cross-complaint for indemnity is affirmed. The trial court's denial of Bruin and Singer's motion to amend their crosscomplaint to include a cause of action for reformation of the insurance policy is affirmed, but otherwise the denial of Bruin and Singer's motion to amend their cross-complaint is reversed and the matter is remanded to the trial court to consider Bruin and Singer's renewed motion to amend their cross-complaint and for further proceedings on Bruin and Singer's crosscomplaint. The trial court's ruling regarding Insurance Code section 678 and imposing the statutory duty upon Geneva is affirmed. The matter is remanded to the trial court for further proceedings. Parties to bear their own costs on appeal.

Kitching, J.

We concur: Croskey, Acting P.J.

Aldrich, J.

#### **DIVISION FOUR**

B110257 Fallen et al. (Not for Publication)

V.

State Street Bank & Trust et al.

The order of dismissal is reversed and the trial court is directed to vacate its order sustaining without leave to amend the demurrer to the second amended complaint and to enter an order overruling the demurrer. Costs on appeal are awarded to plaintiff.

Vogel (C.S.), P.J.

We concur: Epstein, J.

Hastings, J.

B096262 Weiss (Not for Publication)

B096428 v.

Kramer Motors et al.

The judgment against Robert Kramer individually is reversed and the trial court is directed to enter a judgment in his favor. In all other respects, the judgment is affirmed. Costs on appeal are awarded to plaintiff against Kramer Motors, Inc.

Vogel (C.S.), P.J.

We concur: Epstein, J.

Hastings, J.

B110331 Harrison (Not for Publication)

v.

Midway Market, Inc., et al.

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.

Czuleger, J. (Assigned)

# **DIVISION FOUR (Continued)**

B106755 Barnes (Not for Publication)

v.

City of Los Angeles

The judgment (order of dismissal) is affirmed. Respondent is to recover costs.

Hastings, J.

We concur: Epstein, Acting P.J.

Czuleger, J. (Assigned)

B105915 Cooper

v.

Mountains Recreation and Conservation Authority et al.

Canyon Oaks Estates

Filed order modifying opinion and certification for partial publication.

(No change in the judgment.)

B115507 Department of Children & Family Services (Not for Publication)

v.

Pamela H.

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.

Baron, J.

## **DIVISION FOUR (Continued)**

B117221 Malima W. (Not for Publication)

v.

Superior Court, Los Angeles County

Department of Children & Family Services

The petition is denied.

Epstein, Acting P.J.

We concur: Hastings, J.

Czuleger, J. (Assigned)

#### **DIVISION FIVE**

B112055 People (Certified for Publication)

V.

Elliot Lambert Fields

The judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.

Godoy Perez, J.

B104022 People (Not for Publication)

v.

Menednez et al.

The judgments are affirmed.

Jackson, J. (Assigned)

We concur: Grignon, Acting P.J.

Armstrong, J.

# **DIVISION FIVE (Continued)**

B106897 People (Not for Publication)

v.

Mark Bowersock

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.

Armstrong, J.

# **DIVISION SEVEN**

B111614 People

V.

Wiggins

Filed order modifying opinion. (No change in the judgment.)